App. F. IX-4

1936.

Revenue

File No. 107

Serial Nos. 1-3

Previous References

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for November 1936.

SUBJECT.

Loss of jewels worn by Sri ~~Narasimha~~ Veerabhadra devaru while crossing the Kanakane in Magge Taluk

The Hg Comr
No. 721 of 6 11 36

Mus 107-36-1

No. J.11/36-36

Enc. 1

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 16th July 20 ..1936.

D No. 72
36-37

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

L. Venkatesa Iyengar, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

20 JULY 1936

SIR,

Subject:- Re: the loss of jewels in the Sri Kamla Adevaru and Sri Veerabhadradevaru temples at Kanakatte Village, Arasikere Taluk.

--

I have the honor to forward here with for the information of Government and kind return, letter no. C.52[illegible]/35, dated 29th June 1936, in original, received from the Deputy Commissioner Hassan District, in the above matter, and to state that a further communication will be made on receipt of the Deputy Commissioner's final reply after necessary investigation.

I have the honor to be,

Sir,

Your most obedient Servant

K V Anantaraman

Muzrai Commissioner.

RE

Subject for perusal - The further report promised will be awaited

20/7/36

First Member

(2)

3)

First

jewels ___ Kariyamma Devaru
Seshabhadra devaru Enquiry
Kumakatte Circle - Arrest &c

General and Secretariat venue | File No. | of 193 | [App. F. III—2

Serial No.

6. Letter no C 11/36-37 d 8/10/36 from the Muzrai commissioner requesting that the Law Section may be consulted and he be given instructions if from the material available Criminal proceedings may be instituted against Shanbhogue Ramaswamiah & Gudi Gowda Thimmaiah or either of the two in connection with the loss of jewels referred to therein.

4) The file may be refd to the Addl Sec - Law Sec for favour of opinion

Gr 8/10 10.10.36.

5) Favarded with compliments to the Mysore Secretary Law Section

Sd/- Chandrasekara for favour of opinion

Sd/- Mir Sajjan Imam
10/10/36 Dpty Secy

102
Law
Mre
12/10

7) The evidence available only shows that certain jewels were entrusted to Shanbhogue Rameswamiah who in turn handed them over to Gudi Gowda Thimmaiya and that many of the jewels are missing and are not properly accounted for. This gives rise no doubt to a civil liability but I do not see any

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7 35

3)

File No. of 193 Sen Se

of Criminal misappropriation or breach of trust can be inferred from this - Some evidence of dishonest misappropriation or conversion to his own use has to be obtained before a criminal prosecution can be launched. ~~established when~~ This cannot be inferred from a mere failure to account for the jewels entrusted.

Forwarded with compts to the Govt advocate for favour of opinion & advice.

M Jagadeo
13/10/36
for Exe Secy

R.O. No. P 80/36 dt 13th October 1936
for 335/36-37
dt 13.10.36

Returned with compliments.

According to the report of the Assistant Commissioner, Shanbhog Ramaswamiah seems to have left the whole matter to Gudigowda Thimmayya and did not have actual custody of the jewels or the money belonging to the temple. He has to bear every responsibility for his negligence but there is no material for a criminal prosecution.

R.O. No. 687/36-37
dt 4.11.36.

Gudigowda Thimmayya admits the custody of jewels and money, but says that he used to deposit the ~~jewels~~ jewels in the chest and give over the key to Shanbhog Ramaswamiah. If that is so, it is possible for him to plead that the jewels may have been

Re: loss of jewels in Sri Kanyaka Parameswari & Virabhadraswami temples - Kanakatte village - Arasikere Tk.

Mis 107 — 36

been lost when the key was with Shanbhog Ramaswamiah. Thimmayya's explanation is no doubt very unsatisfactory but the burden of proving that he misappropriated the jewels and cash would be heavily on the prosecution. Failure to account for what was received by Thimmayya would to some extent go against him. Shanbhog Ramaswamiah no doubt says that Gudigowda Thimmayya has disposed of the jewels. Unless it can be established to the satisfaction of the Court that Thimmayya disposed of the jewels or them and otherwise misappropriated the cash, it would be difficult to secure a conviction. Whether such evidence can be adduced is for the department to consider. He would however also be liable on the civil side for the jewels and cash not accounted for.

Government Advocate.

CSN/4.11.36

GENERAL SECRETARY. 5 NOV. 1936

GENERAL SECRETARY. 7 NOV. 1936 136

FIRST ASSISTANT 12 NOV 1936

978

Miz 107 — 36-37

No. 721 of 26. 11. 1936 from Muzrui 3
Commissioner forwarding copy of the legal
opinion and requesting that such action
as indicated therein may be taken in the interests
of the Institution.

B
27-11-1936

No. 11 36-7

GENL 378 9 - OCT. 1936 MUZRAI BRANCH

Mag 107-36-2

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 7th October ..... 1936.

Gen. file 47

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General ..... *Department.*

GENL SECY 9 OCT 193 GENL SECY

Re. the loss of jewels in the Sri Kariyamma Devaru and Sri Veerabhadradevaru Temples at Kanakatte Village, Arsikere Taluk.

In continuation of this office letter No.C.11/36-37 dated 20-7-1936, reporting on the above, I have the honor to forward herewith a copy of letter No.C.3270-35 dated 15th September 1936 from the Deputy Commissioner, Hassan District, requesting, among other matters, that the opinion of the Law Section may be obtained in the matter of instituting criminal action against Shanbhogue Ramaswamiah and Gudi Gowda Thimmaiya for the loss of jewls sustained by the temple. The facts of the case are set forth in great detail in the Deputy Commissioner's letter dated 29-6-1936 already sent to you. The evidence available for proceeding against the two persons named above is summarised in the Sub Division Officer's report dated 31st August 1936 enclosed in the records. I request you to be so good as to consult the Law Section and favour me with instructions if on the material available whether criminal proceedings may be instituted against both or either of the two.

The entire file of vernacular papers is enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

Letter 270-35 dated 15-9-36 from the Deputy Commissioner, Hassan District, to the Muzrai Commissioner in Mysore.

Subject:- Re. the loss of jewels in the Sri Kariammadevaru and Sri Veerabhadradevaru temples at Kanakatte village, Arsikere Taluk.

With reference to your Memo No.11/36-37 dated 20th July 36 on the above subject, I have the honor to forward herewith the records ending with the Hassan Sub Division Officer's No.3-2689-35 dated 31st August 1936 and to state as follows:-

From the elaborate enquiry which the Sub Division Officer has made it will be seen that the conclusions which he has reached are quite reasonable and steps have to be taken as promptly as possible on these conclusions as well as on the proposals which he has made with a view to set in order the affairs of the institutions adverted to in the records, which, he has reported, are in a state of confusion.

He seeks orders on the following points:-

(1) That either Ramaswamiah or Gudigowda Thimmaiya or both may be ordered to be prosecuted after obtaining legal advice.

2) That the loss caused to the institutions may be ordered to be recovered from both Ramaswamiah and Gudigowda Thimmaiya-- Rs.160 from the former and Rs.250 from the latter.

(3) That the jewels belonging to Sri Kariyammadevaru may be entrusted to the custody of ex-Patel Krishnamurthy, Kenchiah, the pujari of the temple being placed in the custody of a few jewels required for daily worship. It is further stated that Krishnamurthy, the ex-Patel will not be divested of his responsibility even with regard to the jewels in the custody of the pujari.

(4) That Sri Kariyamma and Sri Veerabhadradevaru temples may be clubbed together and constituted into a minor institution with a regular scale of income and expenditure and a Committee of Dharmadarsis to control the affairs of these institutions.

(5) That the jewels in excess of the usual requirements may be ordered to be lodged in the Treasury.

(6) That the several jewels of small value and unserviceable ones may be converted into one or two big jewels.

As regards (1), it appears to me also that either Ramaswamiah or Gudigowda Thimmaiya cannot be prosecuted without legal advice. It is, therefore, requested that the views of the Secretary, Law Department, may be obtained and communicated at an early date so as to enable me to take prompt action in the matter.

As regards No.(2), about the recovery of the loss from both Shanbhogue and Gudigowda Thimmaiya, I have to state that there is sharp difference between the valuation made by the Amildar and that arrived at by the Sub Division Officer. The reasons given by the Sub Division Officer are so convincing to me that I accept his valuation and have issued orders to the Sub Division Officer for taking promptly necessary steps for the recovery of the amounts.

In regard to No.3 about entrusting the jewels of Kariyammade to ex-Patel Krishnamurthy, the Sub Division Officer has been requested to take action in accordance with G.O.No.425-7/Muz.53-54-2 dated 20-9 in the matter of taking security bonds from the persons in the custo of jewels. The said officer will similarly act in respect of Veerappa and Veerabhadrappa after he is satisfied with their solvency. Instructions have also been issued to lodge all the jewels in the Taluk Treasury at Arsikere if the persons executing bonds in accordance with Secs.29 55 of Mysore Stamp Regulation do not do so on a stamp paper of a paper value as laid down in item 55 of schedule I of the said Regulation.

As regards his proposal No.4 to club together both the institutions and to convert them into a single minor institution the enquiry regarding their resources etc., is not complete. When it is completed steps will be taken for their conversion as proposed.

About No.5, the Sub Division Officer will be requested to take necessary steps immediately.

In regard to No.6 about the conversion of un-wanted and unserviceable jewels into one or two useful ones, the enquiry in this direction also is not full The lines on which the enquiry will have to be made have been intimated to the Sub Division Officer. On the receipt of his complete report, necessary steps will be taken to carry out his proposal.

The connected records herewith sent may be returned when done with.

Section

File No. 107 36

Serial No. 3

Diary No. of letter replied to .....

No. 721/Excise

To

General and Revenue Secretariat

( )

the *193* .

Date of issue 26-11-36

Signed by .....

(Paras 6-9 in triplicate) (both inclusive)

List of enclosures .....

Copied by .....

Examined by .....

The M.C.

Sir,

I have the honour to refer to your letter No. C 11/36 379 of 7/10/36 regarding the loss of jewels of Sri Kumaraswamy Devasthanam Veerabhadra Devasthanam at Kavalkatte Village, Arsikere Taluk, and to forward herewith, in triplicate, the legal opinion in the matter.